

Chapter 20

FOOD AND DRUGS*

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ARTICLE I. IN GENERAL

Sec. 20-1. Samples.

In connection with any inspection program authorized to be conducted pursuant to this chapter, the health officer may require that samples of any food item or ingredient be provided by any person in possession or custody thereof for laboratory inspection or analysis to determine whether applicable standards imposed or adopted pursuant to law have been complied with in the manufacture, packaging, labeling and preparation thereof. All samples shall be used for inspection and analysis only, and the health officer shall only require the surrender of those quantities as may reasonably be required to obtain a valid sample for the inspection or analysis that is to be performed. Upon request, the health officer shall provide compensation for the sample at the fair market value thereof.

(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-2. Condemnation.

The health officer is authorized and directed to take action as may be reasonably necessary to protect the public health, safety and welfare by

condemning or initiating the condemnation of any food or drug product or item of food equipment that may be used or held with intent to sell, offer or expose for sale within the city that is suspected to be adulterated or misbranded or expired pursuant to applicable ordinances or state or federal laws, rules and regulations. Expiration of ready-to-eat potentially hazardous food items that are required to be time and date marked as provided under section 20-21.3(b)(10) of this Code shall be determined from the markings. Pending disposition, the health officer may direct that the product or item not be used or sold by causing the same to be appropriately tagged if he finds upon diligent inquiry and inspection that the product or item poses an immediate threat of danger to the health, safety and welfare of the public and if the owner or person in possession thereof is afforded the right of a public hearing thereon within 24 hours, exclusive of Saturdays, Sundays and holidays observed by the closure of city offices, before the director of public health or his designee. The health officer may utilize the resources of all available state, county or federal offices and agencies as necessary or desirable in the prosecution of condemnation actions hereunder.

(Ord. No. 99-1346, § 1, 12-15-99)

***Cross references**—Alcoholic beverages, Ch. 3; health generally, Ch. 21; consumption of food on buses, § 28-30; sale of goods from streets or sidewalks, § 40-8; sale of frozen desserts from vehicles, § 40-9.

Sec. 20-3. State and federal laws, regulations.**Secs. 20-5—20-16. Reserved.**

In addition to the enforcement of this chapter, the health officer may enforce the provisions of applicable state or federal laws, rules or regulations to the extent that he has been so authorized or is permitted by law to do so, and he shall refer those matters involving state or federal laws, rules or regulations that he is not authorized to enforce to the state or federal office or agency having jurisdiction.

(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-4. Charity bake sales.

Notwithstanding any provision of this chapter to the contrary, food prepared in a kitchen of a private home that is not licensed hereunder may be offered for sale for human consumption without any food permit, subject to full compliance with the following requirements:

- (1) The items offered for sale shall be limited to baked food products that are not potentially hazardous;
- (2) The items are offered for sale at a function conducted by or under the auspices of a sponsoring organization, which may be a school or religious or nonprofit organization;
- (3) The sale shall not be conducted in a food establishment, except that if the sponsoring organization is a food establishment, then the sale may be conducted on its premises, provided that the sale is conducted separately and apart from the sponsoring organization's food sales or service; and
- (4) The consumer is informed by a clearly visible placard at the sales or service location that the food was prepared in a kitchen that is not subject to regulation and inspection by the city of Houston or any other health inspection agency. The person conducting the bake sale shall provide the placard, which shall be in a form approved by the health officer.

(Ord. No. 99-1346, § 1, 12-15-99)